



State Council of the International Association of Fire Fighters • California Labor Federation • AFL-CIO

March 14, 2002

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue NW, Room 159
Washington, DC 20580

RE: Federal Trade Commission's Proposal to Create a National "Do-Not-Call" Registry. (OPPOSE)

Dear Sir/Madam:

The California Professional Firefighters (CPF), state council of the International Association of Fire Fighters representing 30,000 frontline firefighters and emergency medical service workers statewide, strongly opposes the Federal Trade Commission's proposal to create a national "do-not-call" registry.

As proposed to be amended, Section 1011 of the Telemarketing Sales Rule (TSR) would expand current law to prohibit nonprofit organizations, such as ours, from employing a professional fundraising outfit for the purpose of soliciting contributions via telephone on behalf of our organization and its members. Indeed, if amended in this regard, our ability to solicit contributions supporting California's professional firefighting and EMS personnel would be severely crippled.

Preliminary estimates indicate that the FTC's proposed registry procedure could prevent us from contacting as much as 40 to 50 percent of our support base, including new prospective donors and existing supporters. Although the proposed amendment would exempt calls made directly by employees or members of nonprofit organizations, our organization would still suffer an unrecoverable loss of revenue because we rely completely on the expertise of outside fundraising agents. Subsequently, the proposed national "do-not-call" registry would directly disable our ability to raise needed funds.

In addition, due to the make-up of our organization's membership, it is highly impractical and even undesirable to have individual firefighters and emergency medical service

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workers make telephone solicitations, as our members not only lack the expertise to conduct their own public appeals, but the resources also.

Over the years, the public has come to expect the unselfish response of firefighters and emergency medical service personnel to emergency incidents of all kinds. The events of September 11th reinforced this expectation, which, in part, is a direct result of outreach conducted on behalf organizations such as the CPF. Consequently, now more than ever we must be able to continue educating the public on and garnering financial support for issues important to fire service first responders. Because the proposed amendment to Section 1011 of the TSR would hamper this goal, we strongly oppose its adoption.

We appreciate this opportunity to express our opposition to the Federal Trade Commission's proposal to create a national "do-not-call" registry in this regard. Should the FTC adopt the proposed amendment, we respectfully request that it consider excluding from the prohibition calls made by or on behalf of nonprofit organizations that are not marketing goods or services, such as the CPF. Should you have any questions regarding our opposition, please do not hesitate to contact me directly at (916) 921-9111.

Sincerely,



DAN TERRY
President



**LOCAL ELEVEN
CEDAR RAPIDS, IOWA**

March 18, 2002

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room 159
Washington, DC 20580

Dear Sir/Madam:

I am writing to you on behalf of the Iowa Professional Firefighters to express our objection to the Federal Trade Commission's proposal to amend the Telemarketing Sales Rule. The proposed application of a national "do not call" registry to our organization is unfair, unwise and unworkable.

As fire fighters, we make it our business to serve our communities to the greatest extent possible. Our fire fighter organization is a non-profit entity that relies extensively upon small gifts from a large number of people to support numerous charitable activities. Through such contributions, we have been able to provide assistance to the Muscular Dystrophy Association, the IAFF Bum Foundation, and allow more of our members the opportunity to attend health and safety seminars.

The proposed rule is unfair because it would create a "do not call" registry maintained by the federal government that would apply to fundraising calls made on behalf of our organization to support our charitable activities, but would not apply to politicians' fundraising calls or phone solicitations by banks, telephone companies and insurance companies. Beyond being unfair, this simply does not make any sense.

The proposed rule is unwise because it would prohibit our organization from contacting individuals on the "do not call" list even if they had consistently donated to our organization in the past and would still like to do so in the future. At a time when government is relying upon non-profits and charities to do more, it should not undermine the ability of organizations such as our own to provide valuable services to the public.

Finally, the proposed rule is unworkable because it violates our First Amendment right to contact members of the public. The Supreme Court has consistently held that any limitations on free speech must be narrowly drawn and use the least intrusive means. This rule satisfies neither of these requirements and further violates the Constitution because it favors calls from commercial interests, such as banks and insurance companies, over calls made on behalf of non-profits.

Please reconsider this amendment in light of these concerns, and reject the proposal to apply the "do not call" registry to calls made on behalf of non-profit organizations.

Sincerely,

Rick Scofield, President
Cedar Rapids Firefighters, IAFF #11
Cedar Rapids, Iowa